


DEC 06 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Tushar Patel et al.	Group Art Unit: 3738
Application No.:	10/776,666	Examiner: R. W. Amareld Jr.
Filed:	February 11, 2004	
Entitled:	GUIDE DEVICE AND PLATE INSERTER	
Docket No.:	101896-233 (DEP5046CIP)	

<u>Certificate of Facsimile (37 C.F.R. 1.8(a))</u>	
I hereby certify that this correspondence is being deposited via facsimile no. (571) 273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.	
December 6, 2005	By: 
Date of Signature and Mail Deposit	Lisa Adams, Reg. No: 44,238 Attorney for Applicant(s)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This communication is in response to the Office Action dated November 23, 2005.

The Examiner requires restriction of the above-referenced application to one of the following inventions:

Group I: claims 1-54 and 79-93, drawn to a guide device; and

Group II: claims 55-78, drawn to a kit with guide and plate.

Applicants elect the Group I claims (claims 1-54 and 79-93). Accordingly, claims 55-78 are withdrawn from consideration.

Appl. No.: 10/776,666
Filing Date: February 11, 2004
Group Art Unit: 3738
Examiner: R. W. Amareld Jr.
Atty. Docket No.: 101896-233 (DEP5046CIP)

The Examiner further requires election of one of the following "patentably distinct" species:

Species A: Figure 8
Species B: Figures 1-3B
Species C: Figure 4
Species D: Figures 5A, 5B, and 5C
Species E: Figure 6
Species F: Figure 7


The Examiner submits that no claims are generic.

At the outset, Applicants note that the species groupings are incorrect. Figure 4 illustrates the same device shown in Figures 1-3B, thus species B and C should be a single species. Figure 8 illustrates the same device shown in Figure 7, thus species A and F should be a single species. Regardless, Applicants elect Species D, Figures 5A, 5B, and 5C, with traverse. Applicants agree with the Examiner's assertion that no claims are generic. Claims 1-24, 26-28, 30-31, 33-38, 45-46, 48, and 86-93 read on the elected species. Accordingly, claims 25, 29, 32, 39-44, 47, 49-54, and 78-85 are withdrawn from consideration as being drawn to the elected species.

The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

Date: December 6, 2005



Lisa Adams, Reg. No. 44,238
Attorney for Applicant(s)

Nutter McClennen & Fish LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210
Tel: (617)439-2550
Fax: (617)310-9550

1486244.1